

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

DECISION & ORDER

16-CR-6029

ANDRE BARNES,

Defendant.

Defendant, Andre Barnes (“Barnes”) was ordered by United States Magistrate Judge Jonathan W. Feldman to submit to a mental examination to determine his competency to stand trial pursuant to 18 U.S.C. § 4241. Barnes was eventually examined at the Metropolitan Correctional Center in Chicago, Illinois by Certified Forensic Psychologist, Dr. Robin Watkins. Pursuant to the examination, a report was prepared and submitted to this Court (Dkt. #88). That report concluded that Barnes was competent to stand trial.

Magistrate Judge Feldman issued a thorough Report and Recommendation on February 9, 2018 (Dkt. #96) which discussed the procedural background of the case and the medical findings concerning Barnes. Magistrate Judge Feldman recommended that defendant be found competent to stand trial.

Defendant, his attorney, James P. Vacca, Esq., and the prosecutor, Assistant United States Attorney Melissa Marangola, appeared before Magistrate Judge Feldman after issuance of Dr. Watkins’ report. The parties, including Barnes himself, stated that there was no objection to the report of Dr. Watkins finding competency. After a review of Dr. Watkins’ report and hearing no objection by the parties to the findings of the report, and the attorneys having waived a competency

hearing, Magistrate Judge Feldman recommended that the defendant be found competent to stand trial.

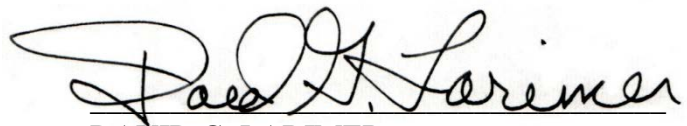
I see no reason to reject, alter or modify the Magistrate Judge's Report and Recommendation. This Court has also reviewed the complete report of Dr. Watkins (Dkt. #88), and I also note that the time to object to the Report and Recommendation has now lapsed. Therefore, I accept the Report and Recommendation and I also find that the defendant, Andre Barnes, is competent to stand trial.

CONCLUSION

I accept and adopt the Report and Recommendation of United States Magistrate Judge Jonathan W. Feldman. I find that the defendant, Andre Barnes, is competent to stand trial.

IT IS SO ORDERED.

Dated: March 6, 2018
Rochester, New York



DAVID G. LARIMER
United States District Judge